

REMARKS

In a non-final Office Action dated December 20, 2007, the Examiner rejected the claims under 35 U.S.C. § 112, first paragraph. Applicants respond to the Examiner's rejections below.

Applicants thank the Examiner for her time during a personal interview on April 15, 2008. The Examiner fully summarized the substance of the interview in an Interview Summary dated April 23, 2008 and the substance is reflected in Applicants' response.

In view of the amendments and remarks presented herein, Applicants respectfully request reconsideration of the merits of this application.

Rejections Under 35 U.S.C. § 112

The Examiner rejected Claim 6 under 35 U.S.C. § 112, first paragraph, for failing to comply with the written description requirement. Claim 6 is cancelled and the rejection is moot.

The Examiner rejected Claims 1-3, 6 and 9-11 under 35 U.S.C. § 112, first paragraph, for failing to comply with the enablement requirement. The Examiner acknowledged that Applicants' Specification enabled the invention in subjects that have experienced the environmental risk factor (in the pending claims, childhood maltreatment) but maintained that the Specification does not enable the full scope of the claims (namely, where the subject is at risk of childhood maltreatment). Although Applicants do not concede the Examiner's point (for reasons relating to the ability of persons skilled in the relevant art to distinguish a subject at risk of maltreatment from those not at risk, as the term is understood by persons skilled in the art), in the interest of advancing prosecution of this application to allowance, Applicants here amend Claim 1 and cancel Claims 3 and 6. The amended claims recite that the subject has experienced childhood maltreatment. Applicants reserve the right to pursue the additional subject matter in a continuing application.

To ensure that the record is clear, Applicants also offer the following remarks on the Examiner's characterization of the invention in the Office Action. The Examiner stated on pages 5 and 6 that

The state of the prior art does not provide any data or evidence regarding another association that is "conditioned" by a particular risk factor. The prior art does however demonstrate many instances where practitioners attempted to establish relationships between polymorphisms within MAOA and mental disorder phenotypes and failed. (citations omitted) Further, as previously noted, the instant specification even teaches that there is no association between the low activity

MAOA alleles and violent behavior in the general population, yet the claims are sufficiently broad so as to imply such a relationship.

The Examiner's comments support Applicants' position. Applicants were well aware that prior efforts had yielded no association between the genotype and the observed phenotype and that the suspected association could not be demonstrated. Applicants' contribution to the field, for which they have been repeatedly honored, was to recognize and demonstrate for the first time that the association could be demonstrated only where the genotype is conditioned by an environmental factor. In the pending claims, the conditioning environmental factor is childhood maltreatment, although the inventors have been recognized around the world by institutions and learned societies for having shown generally that predisposition to various behavioral and psychological phenotypes can require an interaction between genotype and a conditioning environmental factor.

A notice of allowance is respectfully requested.

Fees

A petition for a three-month extension of time accompanies this response so that it will be deemed to have been timely filed. No other extension of time is believed due; however, if any additional extension is due, in this or any subsequent response, please consider this to be a petition for the appropriate extension and a request to charge the petition fee to Deposit Account No. 17-0055.

Likewise, no additional fees are believed due; however, if any fees are due, in this or any subsequent response, please charge Deposit Account 17-0055.

Respectfully submitted,

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